Appl. No. 10/733,415
Amendment dated May 27, 2008
Reply to Office Action of February 26, 2008

HIT 2 937-06

REMARKS / ARGUMENTS

Claims 11, 13-16 and 18-20 remain pending in this application. Claims 12 and 17 have been canceled without prejudice or disclaimer. No new claims have been added.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and safe receipt of the priority document.

Specification

As required by the Examiner, the cross-reference paragraph has been updated and added to the specification.

Drawings

The Examiner's objection with respect to claims 12 and 17 has been rendered moot by the cancellation of those claims without prejudice or disclaimer. With respect to claims 13, 14, 18 and 19, Applicants respond as follows.

With respect to claims 13 and 18, Fig. 1 shows a "DETECTING PORTION OF RESIDUAL STORAGE OF BATTERY" in block 104 of the system control unit. System control unit 104 controls the recording of image data as stated on page 8,

Appl. No. 10/733,415
Amendment dated May 27, 2008
Reply to Office Action of February 26, 2008

HIT 2 937-06

lines 10-21. Since the "DETECTING PORTION OF RESIDUAL STORAGE OF BATTERY" is contained within system control unit 104, it is submitted that that detecting portion can be interpreted as being performed during recording of image data.

With respect to claims 14 and 19, as shown in Fig. 11, managing information is generated and reported on the disk after reading out the intermediate information from the disk (see steps 1101 to 1106). The Examiner is hereby invited to contact the undersigned by telephone with any questions in order to expedite the prosecution of this application.

Claim Objections

The objections to claims 12 and 17 have been rendered moot by the cancellation of those claims without prejudice or disclaimer. With respect to claims 13 and 18, it is submitted that these claims do further limit their respective parent claims in that they define when the system controller detects the decrease of the residual storage of the battery. In particular, this detection is performed during recording of image data and determines when intermediate information is produced and recorded.

With respect to claims 14 and 19, it is submitted that these claims also further limit their respective parent claims in that they recite when the managing information is generated and recorded on the disk relative to the reading out of intermediate information from the disk. Once again, the Examiner is hereby invited to contact the

Appl. No. 10/733,415
Amendment dated May 27, 2008
Reply to Office Action of February 26, 2008

HIT 2 937-06

undersigned by telephone with any questions in order to expedite prosecution of this application.
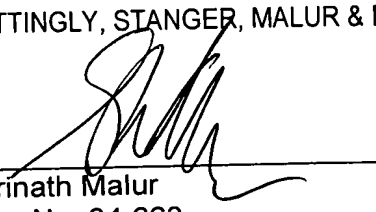
Double Patenting Rejection

Claims 11-20 are pending and stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,788,346; claims 11-20 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,243,340; and claims 16-20 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,347,068. Without admitting to the propriety of the rejection, Applicants submit herewith a terminal disclaimer to avoid the rejection.

Conclusion

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By_____
Shrinath Malur
Reg. No. 34,663
(703) 684-1120